

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Southern DISTRICT OF TEXAS  
Houston DIVISION

United States District Court  
Southern District of Texas  
FILED

APR 13 2018

ERIC DEMOND LOZANO #1915276

Plaintiff's Name and ID Number

David J. Bradley, Clerk of Court

STRINGFELLOW UNIT TDCJ

Place of Confinement

CASE NO. \_\_\_\_\_  
(Clerk will assign the number)

v. DEBORAH L. SCHUBERT2400 WALLACE PACK RD, NAVASOTA, TEXAS 77868

Defendant's Name and Address

ROBERT D. HERRERA2400 WALLACE PACK RD, NAVASOTA, TEXAS 77868

Defendant's Name and Address

PAUL B. WELDER2400 WALLACE PACK RD, NAVASOTA, TEXAS

Defendant's Name and Address

(DO NOT USE "ET AL.")

77868

DAVID E. NICHOLS2400 WALLACE PACK RD  
NAVASOTA, TEXAS 77868AMY OLIVER2400 WALLACE PACK RD  
NAVASOTA, TEXAS 77868

## INSTRUCTIONS - READ CAREFULLY

## NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and once copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 8, Federal Rules of Civil Procedure Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and once copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this even you must complete the application to proceed *in forma pauperis*, setting forth information to establish you inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of you inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at you prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from you inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send you complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: AUGUST 15, 2016 / JANUARY 12, 2018
  2. Parties to previous lawsuit:  
 Plaintiff(s) ERIC D. LOZANO / ERIC D. LOZANO  
 Defendant(s) LORIE DAVIS et al; / LORIE DAVIS et al;
  3. Court: (If federal, name the district; if state, name the county.) Southern / Eastern
  4. Cause number: 4:16-CV-02507 / 1:18-CV-16
  5. Name of judge to whom case was assigned: KEITH P. ELLISON / CRONE-HAWTHORN
  6. Disposition: (Was the case dismissed, appealed, still pending?) Both still pending
  7. Approximate date of disposition: N/A / N/A

- II. PLACE OF PRESENT CONFINEMENT: STRINGFELLOW UNIT
- III. EXHAUSTION OF GRIEVANCE PROCEDURES:
- Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO
- Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

## IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: ERIC DEMOND LOZANO  
STRINGFELLOW UNIT 1200 FM 655  
ROSHARON, TEXAS 77583

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: DEBORAH L. SCHUBERT, Kitchen Captain TDCJ  
2400 WALLACE PACK Rd, NAVASOTA, TEXAS 77868

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DENIAL of an established First Amendment Right to a Kosher

Defendant #2: ROBERT D. HERRERA Head Warden TDCJ  
2400 WALLACE PACK Rd, NAVASOTA, TEXAS 77868

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DENIAL of an established First Amendment Right to a Kosher

Defendant #3: PAUL B. WILDER ASST. WARDEN TDCJ  
2400 WALLACE PACK Rd, NAVASOTA, TEXAS 77868

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DENIAL of an established First Amendment Right to a Kosher

Defendant #4: DAVID E. NICHOLS Chaplain TDCJ  
2400 WALLACE PACK Rd, NAVASOTA, TEXAS 77868

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DENIAL of an established First Amendment Right to a Kosher

Defendant #5: AMY OLIVER GRIEVANCE COORDINATOR TDCJ  
2400 WALLACE PACK Rd, NAVASOTA TEXAS 77868

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DENIAL of an established First Amendment Right to a Kosher

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I AM A DEVOUT SUNNI MUSLIM OF THE HANAFI SCHOOL OF THOUGHT. ON JANUARY 24, 2017 TDCJ VOLUNTARILY TRANSFERRED PLAINTIFF ERIC D LOZANO TO THE STRINGFELLOW UNIT FROM THE ELLIS UNIT, SO THAT PLAINTIFF MAY PARTICIPATE IN TDCJ'S KOSHER DIET PROGRAM WHICH PLAINTIFF WAS AUTOMATICALLY PUT ON THE KOSHER LIST BECAUSE OF A HALAL (LAWFUL) LAWSUIT ERIC D. LOZANO V. LORIE DAVIS ET AL, CIVIL ACTION NO 4:16-CV-2507 FILED AGAINST LORIE DAVIS THE DIRECTOR. THIS WAS AN ATTEMPT TO ACCOMMODATE ME FOR VIOLATING MY FIRST AMENDMENT RIGHT TO A RELIGIOUS DIET. ONCE I BECAME A PART OF THE KOSHER PROGRAM I WAS

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I'm SUEING EACH DEFENDANT IN THEIR INDIVIDUAL CAPACITY FOR \$400,000 NOMINAL DAMAGES AND EACH DEFENDANT IN THEIR INDIVIDUAL CAPACITY FOR \$100,000

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

ERIC D LOZANO

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

6600774, 1915276

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ YES ☐ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? YES ☐ YES ☐ NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division):
2. Case number:
3. Approximate date warning was issued:

Executed on:                     

DATE

(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments hereto are true and correct/
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 04 day of APRIL, 20 18.  
(Day) (month) (year)

ERIC D LOZANO

Eric D Lozano  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**



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(Continue From page 3 To B Briefly describe the acts or omissions of this defendant which you claimed harmed you.)

Defendant #1 (continue) Diet And my 14th Amendment Right Equal Equality, To be denied A Kosher meal because I'm muslim and giving the Jews the opportunity to practice their Religion by not being denied to Eat Kosher And not giving me that same opportunity to practice my Religion by eating Kosher because I Am muslim.

Defendant #2 (continue) Diet And my 14th Amendment Right Equal Equality, To be denied A Kosher meal because I'm muslim and giving the Jews The opportunity to practice their Religion by not being denied to Eat Kosher And not giving me that same opportunity to practice my Religion by eating Kosher because I Am muslim.

Defendant #3 (continue) Diet And my 14th Amendment Right Equal Equality, To be denied A Kosher meal because I'm muslim and giving the Jews the opportunity to practice their Religion by not being denied to Eat Kosher And not giving me that same opportunity to practice my Religion by eating Kosher because I Am muslim.

Defendant #4 (continue) Diet And my 14th Amendment Right Equal Equality, To be denied A Kosher meal because I'm muslim and giving the Jews The opportunity to practice their Religion by not being denied to Eat Kosher And not giving me that same opportunity to practice my Religion by eating Kosher because I Am muslim.

Defendant #5 (continue) Diet And my 14th Amendment Right Equal Equality, To be denied A Kosher meal because I'm muslim and giving the Jews The opportunity to practice their Religion by not being denied to eat Kosher And not giving me that same opportunity to practice my Religion by eating Kosher because I Am muslim.



Told that IF I GET CAUGHT EATING OFF THE REGULAR LINE I WILL GET A DISCIPLINARY CASE WHICH COULD RESULT IN CUSTODY CHANGE AND TRANSFERED OFF OF THE UNIT IF I REACH G5 STATUS. I WAS ALSO WRITTEN A LETTER FROM CELAMAINIE CUNIFF ASSISTANT ATTORNEY GENERAL FROM A CONVERSATION I HAD WITH HIM WELCOMING ME AND MY PARTICIPATION IN THE KOSHER DIET PROGRAM EXHIBIT E. CONN V. GABBERT 526 U.S. 286, 290, 119 S. CT 1292, 143 L. ED. 2D 399 (AN ESTABLISHED CONSTITUTIONAL RIGHT). ON AUGUST 26<sup>TH</sup> 2017. I WAS EVACUATED FROM THE STRINGFELLOW UNIT (THIS WAS NOT THE FIRST EVACUATION FROM THIS UNIT) TO THE WALLACE/PACK UNIT IN NAVASOTA TEXAS BECAUSE OF HURRICANE HARVEY WHICH THE WALLACE/PACK UNIT WAS UNDER A PRELIMINARY INJUNCTION BECAUSE OF A HEAT-RELATED LAWSUIT COLE V. COLIER NO 4:14-CV-01698 WHICH THE WALLACE/PACK WAS SUPPOSE TO BE EVACUATED AND NOBODY WAS SUPPOSE TO BE ON THE UNIT. EVACUATING ME TO THIS UNIT ALSO PUT MY LIFE IN DANGER BECAUSE OF BEING A SENSITIVE HEAT INMATE BECAUSE OF THE MEDICATION PROPRANOLOL I WAS TAKING AND THE EMOTIONAL DISTRESS I WENT THROUGH BECAUSE LACK OF EATING. A VIOLATION OF MY 8<sup>TH</sup> AMENDMENT CRUEL AND UNUSUAL PUNISHMENT. ONCE I ARRIVED TO THE WALLACE/PACK UNIT AND WENT TO THE CHOW HALL FOR DINNER ON A SATURDAY EVENING. I TOLD THE KITCHEN SGT THAT I WAS A KOSHER INMATE AND THAT I DON'T EAT OFF THE REGULAR LINE BECAUSE OF MY RELIGIOUS DIET. I WAS TOLD THAT THE KITCHEN CAPTAIN DIDN'T COME BACK UNTIL MONDAY AND THAT THEY DIDN'T HAVE KOSHER FOOD. I WENT SATURDAY AT DINNER AND SUNDAY WITHOUT EATING. MONDAY AUGUST 28<sup>TH</sup> I SEEN THE HEAD WARDEN HERRERA AND CHAPLIN NICHOLS IN FRONT OF THE CHOW HALL AND EXPLAINED TO THE WARDEN ABOUT MY SITUATION, ABOUT THE LAWSUIT AND ME BEING KOSHER. THE HEAD WARDEN HERRERA STATED "WHEN DO MUSLIMS EAT WITH JEWS?" I TOLD HIM IT WAS ON MY TRAVEL CARD (A CARD OF INFORMATION THAT TRAVELS WITH EACH INMATE WHEN WE ARE TRANSFERED) THAT I EAT OUT OF THE KOSHER KITCHEN ON STRINGFELLOW UNIT. HE THEN STATED "WE DON'T DO KOSHER HERE. YOU ARE ON SURVIVAL MODE". I ASK HIM TO CHECK MY TRAVEL CARD AND WAS HE DENYING ME A MEAL THAT'S CONSISTANT WITH MY RELIGIOUS DIET THAT I ALREADY HAVE ESTABLISHED? HE JUST WALKED OFF LAUGHING. SO I TURNED TO CHAPLIN NICHOLS AND STATED "YOU ARE OVER THE RELIGIOUS DIETS. I AM A KOSHER INMATE." HE TOLD ME THE SAME THING, "THEY DON'T DO KOSHER ON THE WALLACE/PACK UNIT. YOU ARE ON SURVIVAL MODE AND PLUS I HAVE A LIST OF ALL JEWISH



OFFENDERS And You Are Not on the List. I told him that I'm not Jewish And You Just Went Around the UNIT getting all the Jewish OFFENDERS to sign the list for Jewish service. I'm not a Jew so I wouldn't be on that list. I told him to check my travel card or call Huntsville STRINGFELLOW UNIT and it will show that I eat Kosher. He stated "You are not on the list, I can't help you." I told him that I'll file a lawsuit if he deny me and he stated "I'll use Policy, so do what you have to do." I spoke with the Kitchen Captain Schubert and she told me that I wasn't Jewish. That we don't feed Kosher here and that we are on survival mode. (I didn't know at that moment the Jews was already eating Kosher food). I told her my situation that I eat Kosher from a lawsuit I filed against the Director Lorie Davis. She stated "Well you're not on the Jewish list, so I can't help you." I told her to check my travel card and she refused, saying "I can't help you." So after my attempts to eat a religious diet consistent with my religion. I was afraid to eat off the regular line because of being denied and written a disciplinary case, unsanitary food utensils, including hair on food trays as well as because of my religious diet and sinning against Allah. This stressed me to the point I started throwing up. My stomach started to cramp up. I started having hunger pangs and felt tired and unwell. It didn't go well with the heat of how hot it was on my pod. Because of the heat and my hunger, exhaustion and anxiety, I started sleeping more and missing a few of my 5 daily prayers. I was so stressed and distraught to the point I thought of just not eating anymore so I would not violate my religion and didn't know when they would start feeding me Kosher but to not eat would be committing suicide, a violation of my religion as well and that's automatic Hell bound. I was in so much confusion. I visited the infirmary (August 31st) because of my anxiety and being unwell. But they sent me back to the pod saying nothing was wrong with me. So I had no choice but to start eating out of the regular kitchen (Note August 28, 2017. The Jews were already eating Kosher meals). I started eating on August 31st. 9/7/17 I went to the chow hall late and the Kitchen Captain Schubert was calling out names from a list and there was a rack with already made food on it. Once I reached her, I told her my name and she told me that I wasn't on the list. I told her my situation again

(continue from page 4 v. Statement of claim) Page 3



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about the lawsuit and being in the Kosher Kitchen. I told her that I wouldn't be on the List because it's a Jewish Service List and me not being a Jew, I wouldn't be on the List. I told her again to check my travel card and it will tell her I'm Kosher or call Huntsville/STRINGFELLOW. It will only take 5 minutes. She didn't even try to check. She just told me, "I can't do nothing for you, you are not on the List." I told her by denying me that she's violating my First Amendment right to a religious diet and violating my 14th Amendment because she's feeding the Jews their religious dietary meal and denying me mine because I'm Muslim which if members of one faith can practice their religious belief and eat a religious meal. I as a Muslim should have equivalent opportunity as the Jews to be able to eat my religious dietary meal as afforded to the Jews. She stated "I don't care." I had to eat off the regular line. After I left the chow hall I wrote medical because of me being sick, stressed out about me not eating consistent with my religion and believing that I'm disobeying Allah (God) and knowing that he is going to punish me. This was stressful and exhausting. I seen medical on 9/11/17. I was seen for being unwell and to try and get her to put my Kosher diet on the computer, so I could eat. (Note from August 31st to 9/11/17, I lost 14 pounds exhibit E) The nurse didn't know anything about a Kosher diet, that she just do medical diets. She made a call and told me that the chaplain do religious diets. I was also not given anything for my sickness. I finally seen Assistant Warden Paul Wilder in front of the control. I explained to him about the lawsuit and me being put in the Kosher Kitchen. He ask me my name. I stated "Lozano". He stated "You are not on the Jewish List." I told him that I wouldn't be on the Jewish List because it's a Jewish Service List that I would be on the Kosher List. Check my travel card. Then he stated "Muslims don't eat Jewish food. I can't help you. you will be on your unit soon enough to eat out of your Kosher Kitchen." I told him that the Jews are being fed Kosher meals every day on the Wallace/Pack Unit and I'm being denied. He stated "You should have been a Jew, I can't help you." He discriminated against me and denied me something that's very important to me (my religious diet). Grievance #2018007777 For some reason they denied me twice to process it. Also I hold the grievance investigator responsible as well because she work for TDCJ and we grieve the officers when they do wrong. The grievance officer is a supervisor. I brought my complaint to Amy. She had the authority to check my travel card or call Huntsville/STRINGFELLOW to see if I was in the Kosher

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PROGRAM but ESTABLISHED she tried to cover the INVESTIGATION because she  
Knew they were IN the WRONG. BECAUSE If she would have checked my  
TRAVEL CARD she would have seen that I'm IN the KOSHER PROGRAM but she used  
Policy 3.01 when it's established I'm APART of the KOSHER KITCHEN. She IS LIABLE  
AS well because she's the one who put the ANSWER on the BACK of the GRIEVANCES and  
she used Policy twice without even INVESTIGATING my COMPLAINT. She did  
exactly what the other OFFICERS did. IGNORE my CRY FOR ASSISTANCE IN not  
VIOLATING my CONSTITUTIONAL RIGHT *Idol v. Ashcroft* 556 U.S. 662, 677, 129 S. Ct.  
1937, 173 L. Ed. 2d 868 (2004). I WAS denied KOSHER meals FROM August 26th DINNER  
UNTIL September 21st BREAKFAST. When transferred to the Leblanc unit September 21st  
because of Heat Related Lawsuit. I WAS on the LIST to PARTICIPATE IN the KOSHER  
PROGRAM there exhibit D. IF they would have checked my travel CARD or called  
Huntsville/STRINGFELLOW, they would have known that my diet IS KOSHER even though I  
Am muslim. They took it upon themselves knowing that I WAS muslim to deny  
me because they went off their own knowledge to believe that muslims don't eat  
with Jews. Instead of checking my travel CARD or calling the proper authority to see  
IF they were VIOLATING my Religious Rights. *Thompson v. Helm* 809 F.3d 376 and also  
*Searles v. Van Bieker* 251 F.3d at 880. It's clear that they denied me FOR the fact  
that I Am muslim. The Grievance Coordinator used Policy but she disregarded my  
Rights as well and ignored my plea because I Am muslim. The defendants intentions  
was not to feed me KOSHER. They intentionally inflicted emotional distress on me  
when all they had to do was check my travel CARD. This has depressed me to the point  
that it's one of the reasons I Am on Depression medication (Prozac) now. I didn't  
have ANY legal work to show them at the time because the Administration at the  
STRINGFELLOW unit made us leave our property during this evacuation. However and  
violating a constitutional right cannot be justified by ignorance or disregard  
of settled law. In other words, an officer is held to a standard of  
conduct based not only on permissible intentions, but also on knowledge  
of the basic, unquestioned constitutional rights of the individuals for  
whom the official is responsible 422 U.S. 563 (1975).

SUEING each DEFENDANT<sup>S</sup> IN THEIR INDIVIDUAL CAPACITY FOR \$400.<sup>00</sup>  
(Four Hundred) DOLLARS NOMINAL DAMAGES AND each DEFENDANT<sup>S</sup> IN  
THEIR INDIVIDUAL CAPACITY FOR \$200,000 (Two hundred thousand)  
DOLLARS PUNITIVE DAMAGES. PLAINTIFF ALSO SEEK A JURY TRIAL ON  
ALL ISSUES TRIABLE BY JURY. PLAINTIFF ALSO SEEK RECOVERY OF  
HIS COSTS IN THIS SUIT AND ANY ADDITIONAL RELIEF THIS  
COURT DEEM JUST, PROPER AND EQUITABLE.



## Texas Department of Criminal Justice



BA

## STEP 1

OFFENDER  
GRIEVANCE FORM

## OFFICE USE ONLY

Grievance #: 2017198607  
 Date Received: 11/19/17  
 Date Due: 10/10/17  
 Grievance Code: 500  
 Investigator ID #: 2437  
 Extension Date: 11/19/17  
 Date Ret'd to Offender: JUN 8 2017

Offender Name: ERIC D LOZANO TDCJ # 1915276  
 Unit: Wallace / pack 1 Housing Assignment: B7-40 J-0061  
 Unit where incident occurred: Wallace / pack 1 unit

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Kitchen Captain / Chaplin Nichols When? In front of kitchen

What was their response? We don't do kosher here, you are on survival mode

What action was taken? \_\_\_\_\_

State your grievance in the space provided. Please state who, what, when, where, and the disciplinary case number if appropriate

I Am A devout muslim here on the Wallace / pack unit not my unit of Assignment. I Am Filing A complaint Against The Chaplin D. Nichols, Head Warden And Kitchen Captain in their Official and Individual Capacity For Violating my 8th Amendment of the Constitution For deliberate Indifference Denying me Food to eat since 8/27/17 4 days And Forcing me to eat Food that's not consistant with my Religious diet. That's A Violation OF my First Amendment Right. I Am in the Kosher Kitchen Program on the Stringfellow unit. I WAS put in this Kitchen behind litigation and Loree Davis the Director of TDCJ sent me to Stringfellow for that reason. Check my travel card. I Am being denied my Religious meals that are consistant with my Religious diet. Everything in the Kitchen that has been used is contaminated because PORK has been cooked in it and these Officials (Officers) Are Forcing me to eat out of these Pats, pans, cups, plates and utensils OR starve. We were evacuated From the Stringfellow unit to the Wallace / pack unit And I understand that but still the Kosher Kitchen has been open 10 years now And this is not the first evacuation. TDCJ knows it floods easily in that Area. TDCJ should have had an evacuation Plan ready For the inmates that eat out of the Kosher Kitchen. We Are located only 2 hours From the Stringfellow unit. We could have had packed And put in the van Peanut butter, cereal, tuna Fish, eggs ect For our stay here until we got back to our Assign unit. The Wallace / pack unit have these Foods but Refuse to feed us. Saying we Are in Survival mode. Whatever that means. They are violating my 1st Amendment Right And the 14th Amend-

EXHIBIT A

ment AS well. The Regular Line IS up and Running without Incident, The Diet Line IS being served. Why IS the Kosher Line A Problem when we could be Fed the lightest meat AS long AS we get the CALORIES Allowed per day. The Chaplain SAYS he can't do nothing, The Kitchen Captain SAY we ARE on Survival Mode And The Warden IS Just Allowing this to happen. I see that they don't care because it WAS litigation won to get the inmates OFF this unit because of the heat they shipped the inmates but Filled it back up with the steamfellow, so we can Fall out in the heat. My 9th, 14th and 1st Amendment IS being violated and they don't care. they Feel that they have the Right to Violate us with no consequences. THIS IS my complaint to the State and Court.

Action Requested to resolve your Complaint.

I would like to be Fed Accordingly how I'm Suppose to be Fed. Given Kosher meals that IS consistent with my Religion

Offender Signature: Eric W Argano

Date: 8-30-17

Grievance Response:

Food service staff state you are not on the list to receive Kosher food. Your religious designation is Muslim. Per the Religious Diet Plan of the Chaplaincy Manual it is the offender's responsibility to follow dietary preferences or restrictions based upon his designated faith preference by selecting an appropriate food tray or menu plan choice from the available options in accordance with the Menu Selection Plan in the Food Services Manual. Food service provides meat free/pork free options at every meal service.

Asst. Warden Wilder

Signature Authority: 

Date: 10/20/17

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatenin.
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely Affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

|                                  |                     |
|----------------------------------|---------------------|
| Initial Submission               | UGI Initials: _____ |
| Grievance #:                     | _____               |
| Screening Criteria Used:         | _____               |
| Date Recd from Offender:         | _____               |
| Date Returned to Offender:       | _____               |
| <b>2<sup>nd</sup> Submission</b> | UGI Initials: _____ |
| Grievance #:                     | _____               |
| Screening Criteria Used:         | _____               |
| Date Recd from Offender:         | _____               |
| Date Returned to Offender:       | _____               |
| <b>3<sup>rd</sup> Submission</b> | UGI Initials: _____ |
| Grievance #:                     | _____               |
| Screening Criteria Used:         | _____               |
| Date Recd from Offender:         | _____               |
| Date Returned to Offender:       | _____               |



## Texas Department of Criminal Justice

BA

STEP 1

OFFENDER  
GRIEVANCE FORM

J-COLET

Offender Name: ERIC D LOZANO TDCJ # 1915276Unit: Wallace / pack Housing Assignment: B7 40Unit where incident occurred: Wallace / pack

## OFFICE USE ONLY

Grievance #: 2018003750Date Received: SEP 08 2017Date Due: 10/18/17Grievance Code: 500Investigator ID #: 2437

Extension Date: \_\_\_\_\_

Date Ref'd to Offender: OCT 2 6 2017

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Kitchen Captain ~~Shubert~~ When? IN KitchenWhat was their response? I Can't help youWhat action was taken? None

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

ON 9-7-17 on WALLACE / PACK unit I went to eat lunch in the Chow Hall. On the Stringfellow unit I'm in the Jewish / Kosher Kitchen. That is my diet and it's the reason I'm on the Stringfellow unit because of a lawsuit I filed against TDCJ. Well, I seen the Jewish inmates lining up to eat a kosher meal, so I got into the line. The Kitchen Captain Shubert was calling out names from a list. This list is for the Jewish service which I'm not on because I'm muslim. I would be on that list because I don't attend Jewish service I'm muslim. I told the Kitchen Captain after she finish calling names that I'm muslim, so I'm not going to be on that list but I eat out of the kosher kitchen on the Stringfellow unit which make me apart of the program. I told her that it's on my travel card which it would take a phone call not even 5 minutes to check. She didn't even try to check. She just told me that "I Can't do nothing for you, ~~you~~ you're not on this list. I told her by denying me this is denying me to eat, she stated "I don't care." I also told her that I have a lawsuit pending against TDCJ for denying me my 1st Amendment and 14th Amendment to practice my Religion freely and discrimination. That denying me to eat is violating my 9th Amendment deliberate Indifference because she's denying me because she wants to deny me, she's getting pleasure out of denying me and that she's also violating my 1st Amendment to practice my Religion. She stated "I don't care" and I had to eat off the regular line or starve because I'm indigent

EXHIBIT B



And I don't make commissary. She just laughed and walked off when she could have just called to check my travel card. I need assistance. Thank You.

also note they fed the Jews their meal accept me. I was the only person denied food this day because the kitchen captain took it upon herself to deny me without even seeing if I eat kosher food on my travel card.

## Action Requested to resolve your Complaint.

Give me kosher meals out the kitchen or off commissary.

Offender Signature:

Eric D. Lorenzo

Date:

9-7-17

## Grievance Response:

Your grievance has been reviewed and investigated. Per the Religious Diet Plan-03.01 of the Chaplaincy Manual "It is the responsibility of the offender to follow the dietary preference or restrictions based upon his designated faith preference by selecting an appropriate food tray or menu plan choice from the available options in accordance with the Menu Selection Plan in the Food Services Procedures Manual. FSMIV Schubert denies your allegation stating you were informed in a professional manner that you were not on the list and that she did not control who is placed on the list. You are provided pork free/meat free items from the available menu plan. No further action is warranted.

Asst. Warden Wilder

Signature Authority:

*[Signature]*

Date:

10/12/17

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because:

\*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

## OFFICE USE ONLY

Initial Submission

UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission

UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission

UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

## Texas Department of Criminal Justice

OFFICE USE ONLY



# STEP 1

## OFFENDER GRIEVANCE FORM

Offender Name: ERIC D LOZANO TDCJ # 1915276  
 Unit: Wallace / pack Housing Assignment: B7-40  
 Unit where incident occurred: Wallace / pack unit

Grievance #: \_\_\_\_\_  
 Date Received: \_\_\_\_\_  
 Date Due: \_\_\_\_\_  
 Grievance Code: \_\_\_\_\_  
 Investigator ID #: \_\_\_\_\_  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: \_\_\_\_\_

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? ASSISTANT WARDEN Paul Wilder When? SEP 19 2017 SEP 15 2017  
 What was their response? Muslims don't eat Jewish Food. I can't help you. You will be on your unit soon enough to eat out of your Kosher Kitchen  
 What action was taken? NO ACTION WAS TAKEN

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

THIS IS THE 3RD GRIEVANCE I'VE WRITTEN ON THIS ISSUE. I WAS EVACUATED TO THE WALLACE / PACK UNIT ON AUGUST 26<sup>TH</sup>, 2017. I WAS DENIED MY RELIGIOUS DIET FROM THE KOSHER MENU AND I DIDN'T EAT ANY FOOD FROM THE 26<sup>TH</sup> THROUGH THE 30<sup>TH</sup> WHICH I HAD TO START EATING BECAUSE I WAS HUNGRY, WEAK AND I NEED FOOD TO SURVIVE. EVERY DAY SINCE I'VE BEEN ON THE WALLACE / PACK UNIT I WAS DENIED MY RELIGIOUS DIET FROM THE KOSHER MENU BY THE KITCHEN CAPTAIN DEBORAH SCHUBERT, HEAD WARDEN ROBERT HERRERA, CHAPLIN DAVID NICHOLS AND ASSISTANT WARDEN PAUL WILDER. I FILED A 1983 LAWSUIT AGAINST TDCJ FOR HALAL (LAWFUL) MEALS FOR MUSLIMS. THIS LAWSUIT IS STILL ACTIVE AND THEY TRIED TO ACCOMMODATE ME BY PUTTING ME IN THE KOSHER KITCHEN PROGRAM THAT IS ONLY ON THE STRINGFELLOW UNIT. THAT'S THE UNIT I'M HOUSED ON. WELL ON SEPT 11, 2017 I FINALLY HAD THE CHANCE TO SPEAK WITH ASSISTANT WARDEN PAUL WILDER ABOUT THE ISSUE OF ME BEING DENIED FOOD FROM THE KOSHER MENU. HE ASK ME MY ~~NAME~~ LAST NAME. "I STATED LOZANO." HE STATED "YOU ARE NOT ON THE JEWISH LIST." I EXPLAINED TO HIM ABOUT THE LAWSUIT AND ME BEING PUT IN THE KOSHER KITCHEN. I TOLD HIM THAT I'M MUSLIM AND NOT JEWISH. THAT I WOULDN'T BE ON THE JEWISH LIST BECAUSE IT'S A JEWISH SERVICE LIST AND I DON'T ATTEND JEWISH SERVICE. HE THEN STATED "MUSLIMS DON'T EAT JEWISH FOOD, I CAN'T HELP YOU, THAT YOU WILL BE ON YOUR UNIT SOON ENOUGH TO EAT OUT OF YOUR KOSHER KITCHEN." I TOLD HIM THAT THE JEWS ARE BEING FED KOSHER MEALS EVERY DAY ON THE WALLACE / PACK UNIT AND I'M BEING DENIED. HE STATED "YOU SHOULD HAVE BEEN A JEW, I CAN'T HELP YOU." I FEEL THAT HE VIOLATED MY 8<sup>TH</sup> AMENDMENT DELIBERATE INDIFFERENCE BECAUSE HE ACTED UNDER COLOR OF STATE LAW AND DENIED ME SOMETHING SERIOUSLY IMPORTANT TO ME (FOOD) THE FOOD IN THE MAIN KITCHEN IS NOT HALAL (LAWFUL) FOR ME TO EAT OR KOSHER, WHICH I AM IN THE KOSHER PROGRAM. THE POTS, PANS, UTENSILS IS CONTAMINATED WHEN COOKED WITH PORK AND PORK PRODUCTS AND THEY

SEP 15 2017  
 SEP 19 2017  
 (OVER)

EXIBIT C



Feed lots of pork. I AM A devout muslim and I AM SINCERE about my Religious duties And Following the Quran As much AS I'm Allowed By TDCJ. PORK And PORK products IS not Allowed in the Islamic Religion. ITS A SIN to eat PORK And it believe Sins will Send You to hell And eating OFF the main line I Feel That I'm disobeying God. I Repent All day And all night with little sleep. I even went to medical on Sept 11th For head ache medication And to get them to get me a Kosher diet menu Through the Infirmary. All These OFFICIALS denied me my Religious meal. They deliberately didn't want to Feed me because I'm muslim And it only take 4 sec to check A TRAVEL card). The State put me in this Kitchen. The State have to make sure I eat off Kosher menu no matter if I WAS evacuated here OR NOT. Defendants DENIED ME Food because I Am A muslim SEP 15 2017

Action Requested to resolve your Complaint.

SEP 19 2017  
Feed me my Religious diet From the Kosher menu that Halal (lawful) For me to eat. If You Can't Feed me From the Kitchen. Then give me 3 meals off commissary A day

Offender Signature: Eric D. Rizzano

Date: 9-14-17

Grievance Response:

Signature Authority:

Date:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

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- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☒ 9. Redundant, Refer to grievance # 2018003750 SEP 15 2017
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: A. Oliver / A. Oliver SEP 15 2017  
SEP 19 2017

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority:

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: A.O.

Grievance #: 2018007777

Screening Criteria Used: #9 (599)

Date Recd from Offender: SEP 15 2017

Date Returned to Offender: SEP 15 2017

2<sup>nd</sup> Submission UGI Initials: A.O.

Grievance #: 2018007777

Screening Criteria Used: #9 (599)

Date Recd from Offender: SEP 19 2017

Date Returned to Offender: SEP 19 2017

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



## Texas Department of Criminal Justice

# STEP 1

## OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2018 022662

Date Received: JUL 10 2017

Date Due: NOV 9 2017

Grievance Code: 520

Investigator ID #: 2018-1773

Extension Date: 12/29/17

Date Retd to Offender: DEC 29 2017

Offender Name: ERIC D LOZANO TDCJ # 1915276  
 Unit: LEBLANC Housing Assignment: J6T  
 Unit where incident occurred: LEBLANC unit

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? HEAD WARDEN NASH / major BROUSSARD When? AT MAIN DESK  
 What was their response? YOU DON'T EAT DONATED STUFF/you not a Jew, you eat what they give you  
 What action was taken? Told me to go get out WARDEN'S FACE

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate.

I'm GRIEVING AN ISSUE THAT I'm BEING DISCRIMINATED AGAINST IN THE KOSHER KITCHEN PROGRAM. I WAS MOVED TO THE STRING FELLOW UNIT BECAUSE OF A LAWSUIT I FILED AGAINST TDCJ TO GET A HALAL (LAWFUL) KITCHEN FOR THE MUSLIM OFFENDERS. ON JANUARY 24, 2017 TDCJ VOLUNTARILY TRANSFERRED ME TO THE STRING FELLOW UNIT SO THAT I COULD PARTICIPATE IN TDCJ'S KOSHER DIET PROGRAM CIVIL ACTION NO. 4:16-cv-2507 ERIC DEMOND LOZANO V. LORIE DAVIS ET AL. THE ACCOMMODATION THAT LORIE DAVIS STATED TO THE COURTS IN HER SUMMARY JUDGEMENT MOTION I've HAVE THE CHOICE TO EAT EITHER THE KOSHER MEAT TRAY OR THE MEAT FREE KOSHER MEAT TRAY (OTHERWISE KNOWN AS AN OVO-LACTO VEGETARIAN TRAY EGGS, PEANUT BUTTER, FRUITS ECT.) ON OCTOBER 6th I WAS DENIED A KOSHER MEAT TRAY THAT THE JEWS ARE OR/AND THE TRAY OF MY CHOOSING, THE DIET THAT IS CONSISTANT WITH MY RELIGIOUS DIET. WHICH THEY HAVE BEEN EATING DIFFERENT TRAYS FROM ME HOT NUTRITION TRAYS WHILE I've BEEN EATING COLD TRAYS. THEY HAVEN'T BEEN GIVEN ME ANY OF THE DIETS THAT I've TRIED TO GET SINCE I've BEEN ON THIS UNIT. SINCE WE'VE LEFT STRING FELLOW UNIT THE JEWS HAVE BEEN DISCRIMINATING AGAINST ME. THEY DON'T WANT ME IN THEIR PROGRAM. I AM APART OF THEIR KOSHER PROGRAM. I CAN EAT WHATEVER COMES OUT OF THAT KITCHEN. IT STATES IN THE LAWSUIT. I CAN CHOOSE MY MEALS THAT ARE CONSISTANT WITH MY RELIGIOUS BELIEF. IT'S STATED IN THE LAWSUIT. BY THE TDCJ OFFICIAL AND JEWISH OFFENDERS DENYING ME MY RIGHT TO A DIET THAT IS CONSISTANT WITH MY DIETARY NEEDS. LORIE DAVIS ACCOMMODATION IN THE LAWSUIT IS FAILING. WARDEN NASH, MAJOR BROUSSARD AND FOOD MANAGED JUPITER ALSO DENIED ME A DIET THAT IS CONSISTANT WITH MY RELIGIOUS DIET. I SHOWED THEM PAPER WORK FROM LORIE DAVIS SUMMARY JUDGEMENT APPROVAL BEING IN THE KOSHER KITCHEN PROGRAM TO EAT EXACTLY WHAT THE JEWS EAT OR A DIET THAT IS CONSISTANT WITH MY RELIGION. I AM BEING DENIED THAT. THE OFFICIALS HERE LISTEN TO WHATEVER THE JEWISH OFFENDERS SAY. WHEN I SHOWED THEM THE ACTUAL PAPER WORK OF WHAT I CAN EAT IN

EXHIBIT D

the program. This will be Filed as a lawsuit because they warden Nash, Major Broussard and Food manager Jupiter are violating the Kosher program policy and my First Amendment Right. Even if I am a Muslim in Lorie Davis Summary Judgment she quotes the case Patel v. US. Bureau of Prisons 515 F.3d 807, 809 holding that the Kosher-Common Fare Program where 31 Religions eat Kosher meals. The exact meals that the Jews eat. This Accommodation was a big part of Lorie Davis Summary Judgment to moot my case. Denying me this Accommodation helps me to win my Halal Meat Lawsuit. Thanks to the warden Nash and other unit officials. I'm also afraid to eat in the Kosher Kitchen because they hate me so much and the Food managers don't watch them make the trays that they maybe putting dangerous things in my food. Warden Nash made it known he's going to let them treat me how they want.

Action Requested to resolve your Complaint.

I want to not be discriminated against and eat what they eat out of the Kosher Kitchen or feed me Halal meals. OCT 10 2017

Offender Signature: Eric Q. Lozano

Date: October 6, 2017

Grievance Response:

Your grievance was investigated and there was no evidence to substantiate your allegations of not receiving appropriate Kosher diet meals. No further action is warranted.

TAYN RODDEY  
ASST. REGIONAL DIRECTOR

Signature Authority:

Date: DEC 29 2017

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 form.

Returned because: \*\*Resubmit this form when the corrections are made.

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- ☐ 2. Submission in excess of 1 every 7 days. \*
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- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

EXHIBIT

E

February 8, 2017

Eric Demond Lozano, No. 01915276  
TDCJ - Stringfellow Unit  
1200 FM 655  
Rosharon TX 77583

**Re: Civil Action No. 4:16-cv-2507; *Eric Demond Lozano v. Lorie Davis, et al*;  
In the USDC Southern District of Texas, Houston Division**

Dear Mr. Lozano:

I hope this letter finds you well. After our conversation yesterday, I reached out to Chaplain Shabazz and Chaplain Shakir regarding your move to the Stringfellow Unit. Because of the current Muslim Chaplain vacancy for your area, both Chaplain Shabazz and Chaplain Shakir are covering the Stringfellow Unit. The next time that they are at the Stringfellow Unit, they will visit with you to ensure that all is going well.

If any issue arises before either one is able to visit the Stringfellow Unit, please write Chaplain Shakir with your concerns:

Chaplain O. Shakir, Area Muslim Chaplain  
Dominguez State Jail  
6535 Cagnon Road  
San Antonio, Texas 78252.

Of course, you may also visit with the unit chaplain and with Rabbi Goldstein with any issues.

As a side note, I am going to ask the Court for a 30-day extension of time regarding the deadline for the filing of the Defendants' dispositive motion; currently due February 23<sup>rd</sup>. This will give you time to acclimate yourself with the Kosher kitchen and see if this accommodation works for you.

I hope that all goes well with you and your participation in the Kosher diet program.

Sincerely,

/s/ Celamaine Cunniff

**CELAMAINE CUNNIFF**

Assistant Attorney General  
Law Enforcement Defense Division  
(512) 463-2080 / Fax: (512) 936-2109

CC/ms

Encl

c: File



EXHIBIT F

SUBJECT: State briefly the problem on which you desire assistance.

I'm Requesting the last time I WAS Weighed on the Stringfellow unit  
Before August 26<sup>th</sup> 2017

I'm Requesting the last time I WAS Weighed on the Pack/wallace unit  
before September 21, 2017.

I'm Also Requesting the last time I WAS Weighed on the Leblanc unit  
before February 24 2018

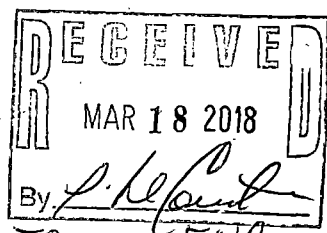
I would like this information as soon as possible, Thank You.

Name: ERIC D LOZANO No: 1915276 Unit: Stringfellow

Living Quarters: C14-1-17T Work Assignment: 4 SQUAD

DISPOSITION: (Inmate will not write in this space)

8/30/17 #204  
9/11/17 #190  
03/01/18 #203  
04/24/18 #204  
11.4.5



Response only per Forensic FNP



**INMATE REQUEST TO OFFICIAL**

REASON FOR REQUEST: (Please check one)

PLEASE ABIDE BY THE FOLLOWING CHANNELS OF COMMUNICATION. THIS WILL SAVE TIME, GET YOUR REQUEST TO THE PROPER PERSON, AND GET AN ANSWER TO YOU MORE QUICKLY.

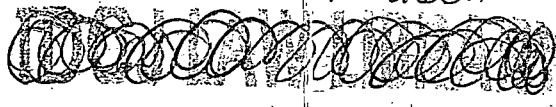
1. ☐ Unit Assignment, Transfer (Chairman of Classification, Administration Building)
2. ☐ Restoration of Lost overtime (Unit Warden-if approved, it will be forwarded to the State Disciplinary Committee)
3. ☐ Request for Promotion in Class or to Trusty Class (Unit Warden- if approved, will be forwarded to the Director of Classification)
4. ☐ Clemency-Pardon, parole, early out-mandatory supervision (Board of Pardons and Paroles, 8610 Shoal Creek Blvd. Austin, Texas 78757)
5. ☐ Visiting List (Asst. Director of classification, Administration Building)
6. ☐ Parole requirements and related information (Unit Parole Counselor)
7. ☐ Inmate Prison Record (Request for copy of record, information on parole eligibility, discharge date, detainers-Unit Administration)
8. ☐ Personal Interview with a representative of an outside agency (Treatment Division, Administration Building)

TO:

(Name and title of official)

DATE:

ADDRESS:

*medical*  
  
*medical*  
 STRINGFELLOW unit

3-17-18

SUBJECT: State briefly the problem on which you desire assistance.

*Continue From #43 Exhibit F*  
I'm writing for your assistance. I AM a muslim Inmate that resides on the String Fellow unit. I Filed A Lawsuit Against TDCJ And They sent me to String Fellow, The only unit that Feed Kosher meats. Thats my diet Kosher And I'm being denied Kosher meats here on the Wallace/pack unit. It's on my Travel card and I need the Kitchen Captain to know that I Eat Kosher.  
Thank You. @

Name: ERIC D LOZANO No: 1915276 Unit: WALLACE/PACK  
Living Quarters: B7-40 Work Assignment: UNASSIGN

DISPOSITION: (Inmate will not write in this space)

Consulted by Mr. Welch

Scheduled PCS 9/11/2017 Johnson SEP 8 AM 12:33 u

TEXAS DEPARTMENT OF CRIMINAL JUSTICE — INSTITUTIONAL DIVISION

**INMATE REQUEST TO OFFICIAL**

REASON FOR REQUEST: (Please check one)

PLEASE ABIDE BY THE FOLLOWING CHANNELS OF COMMUNICATION. THIS WILL SAVE TIME, GET YOUR REQUEST TO THE PROPER PERSON, AND GET AN ANSWER TO YOU MORE QUICKLY.

- |  |   |
|--|---|
| <p>1. <input type="checkbox"/> Unit Assignment, Transfer (Chairman of Classification, Administration Building)</p> <p>2. <input type="checkbox"/> Restoration of Lost overtime (Unit Warden-if approved, it will be forwarded to the State Disciplinary Committee)</p> <p>3. <input type="checkbox"/> Request for Promotion in Class or to Trusty Class (Unit Warden- if approved, will be forwarded to the Director of Classification)</p> <p>4. <input type="checkbox"/> Clemency-Pardon, parole, early out-mandatory supervision (Board of Pardons and Paroles, 8610 Shoal Creek Blvd. Austin, Texas 78757)</p> | <p>5. <input type="checkbox"/> Visiting List (Asst. Director of classification, Administration Building)</p> <p>6. <input type="checkbox"/> Parole requirements and related information (Unit Parole Counselor)</p> <p>7. <input type="checkbox"/> Inmate Prison Record (Request for copy of record, information on parole eligibility, discharge date, detainers-Unit Administration)</p> <p>8. <input type="checkbox"/> Personal Interview with a representative of an outside agency (Treatment Division, Administration Building)</p> |
|--|---|

TO: medical medical medical DATE: 9-7-17  
 (Name and title of official)

ADDRESS: Wallace / pack unit